

- Group III: Claims 22, 27-33, drawn to compounds and compositions comprising formula I wherein the nitrogen-containing aromatic ring and the aromatic ring are both quinoline and the distribution agent is a group  $C(=NH)-NH-C(=NH)$ , classified in class 546, subclass 26,
- Group IV: Claims 22, 27-33, drawn to compounds and compositions comprising formula I wherein the nitrogen containing aromatic ring and the aromatic ring are both quinoline and the distribution agent is an alkylidyl group containing 3 to 7 carbon atoms, classified in class 546, subclass 26.
- Group V: Claim 25, drawn to a method of inhibiting telomerase using formula I wherein the nitrogen-containing aromatic ring and the aromatic ring are both quinoline and the distribution agent is pyrimidine, classified in class 514, subclass 247.
- Group VI: Claim 25, drawn to a method of inhibiting telomerase using formula I wherein the nitrogen-containing aromatic ring and the aromatic ring are both quinoline and the distribution agent is a carbonyl group, classified in class 514, subclass 279.
- Group VII: Claim 25, drawn to a method of inhibiting telomerase using formula I wherein the nitrogen-containing aromatic ring and the aromatic ring are both quinoline and the distribution agent is a group  $C(=NH)-NH-C(=NH)$ , classified in class 514, subclass 279.
- Group VIII: Claim 25, drawn to a method of inhibiting telomerase using formula I wherein the nitrogen-containing aromatic ring and the aromatic ring are both quinoline and the distribution agent is an alkylidyl group containing 3 to 7 carbon atoms, classified in class 514, subclass 279.
- Group IX: Claim 26, drawn to a method of treating cancer using formula I wherein the nitrogen-containing aromatic ring and the aromatic ring are

both quinoline and the distribution agent is pyrimidine, classified in class 514, subclass 247.

Group X: Claim 26, drawn to a method of treating cancer using formula I wherein the nitrogen-containing aromatic ring and the aromatic ring are both quinoline and the distribution agent is a carbonyl group, classified in class 514, subclass 279.

Group XI: Claim 26, drawn to a method of treating a cancer using formula I wherein the nitrogen-containing aromatic ring and the aromatic ring are both quinoline and the distribution agent is a group  $C(=NH)-NH-C(=NH)$ , classified in class 514, subclass 279.

Group XII: Claim 26, drawn to a method of treating a cancer using formula I wherein the nitrogen-containing aromatic ring and the aromatic ring are both quinoline and the distribution agent is an alkylidyl group containing 3 to 7 carbon atoms, classified in class 514, subclass 279.

(Restriction Requirement, pages 2 to 3).

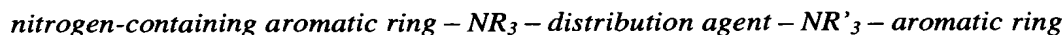
The Examiner maintains that “the different inventions each have a different definition for ‘distribution agent’ and that “[t]he inventions are also classified differently because of the different definitions of ‘distribution agent’.” (Restriction Requirement, pages 3 to 4).

The compounds of the Examiner’s Groups I to XII only relate to compounds wherein the nitrogen-containing ring and aromatic ring are both quinolines. Applicants respectfully point out that the nitrogen-containing ring can also be a benzamidine or a pyridine and the aromatic ring can also be a benzamidine, a pyridine, a phenyl ring, or a mono-, di, or tricyclic hetero-cyclic ring. Moreover, the distribution group can be a diazine other than a pyrimidine. Applicants assume that it is the Examiner’s intent to restrict among all of the compounds of the present invention.

Notwithstanding the Examiner’s allegations, Applicants respectfully traverse this restriction requirement.

Even though the compounds of Groups I to XII may be patentably distinct, this is not the sole criterion for a proper restriction requirement. There must also be a serious burden on the Examiner.

The subject matter of all of the Examiner's Groups I to IV relate to compounds which bind a G-quadruplex structure of DNA or RNA *and* share a common structure of the formula:



Since the compounds of Group's I to IV share a common utility and a common structure, the search of one inventive group may facilitate the search of the other invention groups. Thus, it should not impose an undue burden for the Examiner to search Groups I to IV together. Applicants also submit that a search for the compounds of each of these groups would encompass a search of the methods of using these compounds (Groups V to XII), thus imposing no serious burden on the Examiner to search all of the invention groups together.

In view of the foregoing, this twelve-way restriction is improper since a serious burden on the Examiner is not imposed. However, the twelve-way restriction imposes both undue expense and resource allocation requirements on Applicants, since Applicants would have to prosecute and maintain a plurality of patents. For these reasons, reconsideration and withdrawal of the twelve-way restriction requirement are respectfully requested.

#### **Provisional Election**

Should the restriction requirement be made final and in order to be fully responsive, Applicants provisionally elect with traverse the invention Group I, claims 22-24, 27-33, drawn to compounds wherein the distribution agent is a pyrimidine.

In order to comply with the provisions of § 1.143, Applicants provisionally elect, with traverse, the species bis-2,4-[(4'-amino-6'quinaldiny)amino]-pyrimidine-1,5-diamine diiodide (disclosed at page 10, lines 9 to 10 of the present application). This species is encompassed by Claims 22 to 33.

Applicants reserve their right to file one or more divisional applications with respect to any of the non-elected subject matter.

The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or credit any overpayment to Deposit Account No. 18-1982.

Respectfully submitted,

February 27, 2007  
Date

Kelly L. Bender  
Kelly L. Bender, Reg. No. 52,610  
Attorney for Applicant

Sanofi-aventis  
Patent Department  
Route #202-206 / P.O. Box 6800  
Bridgewater, NJ 08807-0800  
Telephone (610) 889-8995  
Telefax (908) 231-2626

Sanofi-Aventis Docket No. ST99049G1 US DIV